

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21521 of 2022

Arising Out of PS. Case No.-135 Year-2021 Thana- PURAINI District- Madhepura

DEEPAK KUMAR son of Tuntun Ram Resident of Village - Ganeshpur, P.S.
- Puraini, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10732 of 2022

Arising Out of PS. Case No.-135 Year-2021 Thana- PURAINI District- Madhepura

BADAL KUMAR MANDAL S/O JHOLI MANDAL R/o village- Chatnama
Ward No. 8, P.S.- Puraini, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 21521 of 2022)

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh

For the Opposite Party/s : Mr.Abhay Kumar

(In CRIMINAL MISCELLANEOUS No. 10732 of 2022)

For the Petitioner/s : Mr.Dinesh Prasad Verma

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-06-2022 Learned counsel for the petitioner is permitted to
make necessary correction in prayer portion of Cr. Misc. No.
10732 of 2022 during course of the day.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned



A.P.P. for the State.

The petitioners seek bail in connection with Puraini P.S. Case No. 135 of 2021 registered for the offences punishable under Section 394 of the Indian Penal Code read with Section 27 of the Arms Act.

As per prosecution case, the informant is a tradesman of cattle. The informant was going on Bolero Pick-up along with money after selling the animals. When he reached near between Maruwahi and Badhawa Diyara three persons riding on motorcycle tried to overtake and asked to stop the informant. It is alleged that one of the persons made fire on the wheel of the Bolero as a result of which the tyre went flat and said vehicle was stopped and the miscreants pointed pistol on informant and others and asked to give money. It is alleged that they assaulted on the head of the informant. It is further alleged that they snatched Rs. 80,000/- from the informant, Rs. 50,000/- from Md. Juhur, Rs. 48,700/- from Md. Hajul and Rs. 10,000/- from Shariyat. It is further alleged that the miscreants threatened to kill if they revealed to other.

Learned counsel for the petitioners submits that petitioners are in custody since 23.09.2021. Petitioner Deepak Kumar bears criminal antecedent of two cases in which he is on



bail in one case. Petitioner Badal Kumar Mandal bears criminal antecedent of two cases in which he is on bail in one case. Charge sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. He further submits that no TIP was made by the prosecution. No incriminating material has been recovered from the possession of the petitioners. The name of present petitioners surfaced in the confessional statement of co-accused Santnu Kumar and except the aforesaid confessional statement, there is no material on record to connect the present petitioners with the alleged crime.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, F.I.R. has been lodged against unknown, nothing has been recovered from the possession of the petitioners, charge-sheet has already been submitted and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Uda Kishunganj, Madhepura in connection with



Puraini P.S. Case No. 135 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

shahzad/-
amit/-

U		T	
---	--	---	--

